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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,505	09/20/2006	Tiziano Brombin	3779-2292	1698
28147 7590 03/19/2009 WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			EXAMINER PARADISO, JOHN ROGER	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 03/19/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/593,505

**Applicant(s)**

BROMBIN, TIZIANO

**Examiner**

John Paradiso

**Art Unit**

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 12-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over BOUCHER (US 3172434) in view of ACHHAMMER (US 6185910).

BOUCHER discloses a method for filling containers until a weighing device at a weighing station indicates the container is full. (see column 5:35-42).

BOUCHER does not disclose a bottle treatment station or step.

ACHHAMMER discloses a method for bottling in which the bottles are moved through a disinfecting station (6) prior to filling.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of BOUCHER by adding the bottle disinfecting station taught by ACHHAMMER in order to provide greater cleanliness for the packaging process.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use hydrogen peroxide in the combination of BOUCHER and ACHHAMMER or whatever type of sterilizing / cleaning liquid is most effective against the type of contamination the operator wishes to remove, since soap and water and hydrogen peroxide are art-recognized equivalents for the sterilization of containers.

Regarding claim 14, the bottles of the combination of BOUCHER and ACHHAMMER would inherently produce a laminar flow of drying air due to the geometry of the containers: laminar flow initially, breaking into turbulent flow as the bottle curves.

Regarding claim 15, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use LD polyethylene for the containers in order to provide a convenient and cost-effective way to contain the beverages, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

#### ***Response to Arguments***

3. Applicant's arguments filed 5/12/2008 have been fully considered and are considered persuasive with respect to claims 17-20.
4. Applicant's arguments filed 5/12/2008 have been fully considered and are not considered persuasive with respect to claims 12-16.

5. Applicant states on page 7 of his Response that unlike BOUCHER or ACHHAMER, "The applicants invention does not require any immersion baths, and allows a simple three step sterilization and drying of containers, working on the inside of the containers while they are gripped, and does not rely on immersion to fill the containers, but actively sprays the sterilizing substance, steam and air into the containers.

However, the method recited in claim 12-16 of the instant application does not require the container to be gripped, upended, or the air and sterilizing agent fed into the bottle while this is happening (as is recited in claims 17-20 – see Allowable Material below).

Further, Applicant is reminded that it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art.

***Allowable Material***

6. Claims 17-20 are allowed.

7. The following is an examiner's statement of reasons for allowance: the prior art could not alone or in combination anticipate or make obvious an apparatus for sterilizing containers including a sterilizing unit with a rotating turret with a plurality of work stations, each work station including pliers for holding and overturning the containers, with nozzle means connected

to the plier means, the nozzle entering the opening of the container and spraying sterilizing agent therein.

The most pertinent prior art, BOUCHER, discloses a method and apparatus for filling containers until a weighing device at a weighing station indicates the container is full. BOUCHER does not disclose a sterilizing unit with a nozzle that sprays sterilizing agent into the containers. ACHHAMMER discloses a method and apparatus for bottling in which the bottles are moved through a disinfecting station prior to filling. ACHHAMMER does not disclose using workstations including pliers for holding and overturning the containers, with nozzle means connected to the plier means, the nozzle entering the opening of the container and spraying sterilizing agent therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Reference Citations*

8. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- GLOVER discloses an apparatus in which bottles are upended prior to packaging.
- BROWNING discloses a workstation with pliers to upend a container in order to empty the container.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.

/John R Paradiso/

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Examiner John Paradiso: (571) 272-4466

March 16, 2009

/Rinaldi I Rada/

Supervisory Patent Examiner, Art Unit 3721

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 272-4467

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